

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANOU LLC, JP SEARCH, INC. (f/k/a JANOU
PAKTER, INC.) and JANOU PAKTER,

Plaintiffs,

-against-

JANOU PAKTER LLC,

Defendant.

USDC SDNY
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DATE FILED: 3-29-17

16 Civ. 4288 (PAE)

DEFAULT JUDGMENT

PAUL A. ENGELMAYER, District Judge:

On June 8, 2016, plaintiffs filed the complaint in this action. Dkt. 1. In their complaint, plaintiffs sought recovery for (1) violations of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, and the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), improper use, false designation of origin, unfair competition, false advertising and cyberpiracy; (2) violations of N.Y. Civil Rights Law §§ 50–51, for defendant’s impersonation of plaintiff Janou Pakter’s name and likeness in trade; (3) violations of N.Y. General Business Law §§ 349 and 350, for deceptive trade practices and false advertising; and (4) unfair competition, breach of the settlement agreement agreed to by the parties in the matter of *JBC Holdings NY, LLC, et al. v. Janou Pakter, et al.*, No. 12 Civ. 7555 (PAE) (GWG) (S.D.N.Y. 2012), unjust enrichment and for tortious interference with contractual relations and/or prospective economic advantage, under common law.

On September 1, 2016, plaintiffs served defendant with process. Dkt. 10. Defendant has not appeared in this action or otherwise responded to the complaint, and, on November 15, 2016, plaintiffs obtained a certificate of default from the Clerk of Court. Dkt. 13.

On February 3, 2017, plaintiffs filed a motion for default judgment and included affidavits in support. *See* Dkts. 15, 18–22. In their motion, plaintiffs seek sum certain damages

for their claim for unjust enrichment in the amount of \$14,583.00 and request an inquest into damages to demonstrate their other monetary and non-monetary damages, including interest, attorneys' fees and costs, and into the propriety of injunctive relief. Dkt 15.


On February 27, 2017, the Court scheduled a default judgment hearing for March 29, 2017, at 11 a.m. Dkt. 16. In that order, the Court ordered plaintiffs to serve the order, together with plaintiffs' motion for default judgment and the papers submitted in support of their motion, upon defendant by March 6, 2017. *Id.* On March 6, 2017, plaintiffs filed an affidavit of service, attesting that, on March 6, 2017, they effected service of the Court's March 29, 2017 order and their motion for default judgment and papers in support upon defendant. Dkt. 23.

On March 29, 2017, the Court held a default judgment hearing, and defendant did not appear.

Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED that the motion for default judgment by plaintiffs Janou Pakter, Janou LLC, and JP Search, Inc., formerly known as Janou Pakter, Inc., against defendant Janou Pakter LLC is granted; and judgment is hereby entered in favor of plaintiffs Janou Pakter, Janou LLC, and JP Search, Inc., formerly known as Janou Pakter, Inc., in the total amount of \$14,853.00, together with pre-judgment interest at the rate of .55% from March 16, 2016 to the entry of judgment in the amount of \$72.52, for a total sum of \$14,925.52. This sum represents damages on plaintiffs' unjust enrichment claim.

It is hereby further ORDERED that the amount of the judgment, other than the sum certain damages of \$14,925.52 set forth and entered above, shall be determined after an inquest into damages before the Hon. Gabriel W. Gorenstein, the magistrate judge assigned to this matter.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: March 29, 2017
New York, New York